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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/776,675	02/06/2001	Nobuo Ishii	08038.0048	2524

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EXAMINER

CROWELL, ANNA M

ART UNIT	PAPER NUMBER
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1763

3

DATE MAILED: 05/09/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

MF-3

**Office Action Summary**

Application No.

09/776,675

Applicant(s)

ISHII, NOBUO

Examiner

Michelle Crowell

Art Unit

1763

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --****Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 3-8, and 10-14 is/are rejected.
- 7) ☒ Claim(s) 2 and 9 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on February 6, 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All   b) ☐ Some \*   c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)                      4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)                      5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the conductor and microwave absorber must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

2. Figure 5 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 3, 4, 6, 7, 8, 10, 11, 13, and 14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 3, 4, 6, 7, 10, 11, 13, and 14, it is unclear the what the difference between the conductor and microwave absorber are in this invention. How do they function (differently or the same)? In addition, the appearance of the conductor and microwave absorber is unclear.

Note. For purposes of examining, the conductor and microwave absorber are both components used to reflect microwaves.

5. Claim 8 recites the limitation "said microwaves" in the 3<sup>rd</sup> and 5<sup>th</sup> paragraphs.

There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1, 3-8, and 10-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsumoto (Japanese Patent Publication 11-121196) in view of Suzuki et al. (EP 0880164).

Note. U.S. Patent 6,076,484 is used as the English translation for Japanese Patent Publication 11-121196. The numbers in parentheses refer to the U.S. equivalent.

Referring to Figures 4(3) and 5(9), column (8), lines (36-65) and column (10), line (47) – column (11), line (5)), Matsumoto discloses a microwave plasma process apparatus designed to improve process speed and distribute plasma uniformly. The microwave apparatus comprises a reactor 1 (process vessel), antenna 11 for introducing microwaves into the reactor 1, microwave introducing window which is sealed to sealing plate 4 (microwave transmittable top wall), microwave oscillator 20 (microwave source), waveguide 21 (connecting waveguide) for connecting the waveguide antenna part 12

(ring-shaped antenna waveguide) to the microwave oscillator 20, and plural slits 15 (plurality of slots) disposed in the wall of waveguide antenna part 12.

As seen in Figure 5(9), the proximal end portion of the waveguide antenna part 12 is coupled with waveguide 21 and forms the curve portion 12a (substantially radial direction). In addition, the terminal end portion of the waveguide antenna part 12 is closed with a conductive movable plate 17 (conductor or microwave absorber). The moveable plate 17 reflects the microwaves, thereby producing a standing wave.

Matsumoto fails to teach a plurality of substantially ring-shaped antenna waveguides.

Referring to Figures 19a-c, column 27, lines 30-56, Suzuki teaches that it is known for a microwave applicator 3 (antenna) to have a plurality of annular waveguides 43 and 44 (ring shaped antenna waveguides). Furthermore, microwaves are introduced to each annular waveguide 43 and 44 from the respective microwave introducing ports 54 and 55. Also, each annular waveguide 43 and 44 contains a plurality of slots 3b and 3b'. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the apparatus of Matsumoto with a plurality of ring-shaped antenna waveguides as taught by Suzuki. This would allow microwaves to radiate over a large area and for a relatively uniform intensity distribution.

#### ***Allowable Subject Matter***

8. Claims 2 and 9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michelle Crowell whose telephone number is (703) 305-1956. The examiner can normally be reached on M-F (8:00 - 4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Mills can be reached on (703) 308-1633. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9310 for regular communications and (703) 872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

AMC *ame*  
May 3, 2002

  
**GREGORY MILLS**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 1700**